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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,819	09/26/2003	Charles R. Harrison	020366-092500US	8932

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

TRAN, QUOC DUC

ART UNIT PAPER NUMBER

2643

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,819

Applicant(s)

HARRISON, CHARLES R.

Examiner

Quoc D. Tran

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Adari et al (5,353,327).

Consider claim 17, Adari et al teach a method for detecting line status within a customer premises, the steps comprising: detecting an absence of a dial tone of a telephone line (col. 3 lines 56-57); viewing a demarcation device located at a demarcation location on the customer premises, wherein the demarcation device is integrated with a dial tone tester (col. 4 lines 47-64) and ***is connected to a connection interface (col. 4 lines 19-23)***; determining a status from the dial tone tester (col. 4 lines 47-64); ***disconnecting inside wiring from the connection interface (col. 6 lines 39-40)***; and determining the line status within the customer premises or outside of the customer premises (col. 6 lines 4-6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4,7-12, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adari et al (5,353,327) in view of Urban et al (6,904,130).

Consider claim 1, Adari et al teach a system for determining a status of a telephone line (col. 1 lines 5-15), the system comprising a demarcation device associated with a customer premises (col. 2 lines 30-35); a dial tone tester integrated with the demarcation device (col. 2 lines 35-41; col. 5 lines 60-63); and a signal carrier extending from the demarcation device to an interface, wherein the interface is operable for attachment to a customer premises equipment (col. 3 lines 16-35).

Adari et al did not where the interface operable for attachment to a plurality of inside wiring that provides for coupling of the demarcation device with a plurality of customer premises equipment. However, Urban et al suggested such (col. 4 line 15 – col. 5 line 15).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Urban et al into view of Adari et al in order to provide a unitary test unit thereby reducing cost as well as spaces in the network interface.

Consider claim 2, Adari et al teach wherein the dial tone tester comprises: a visual device; and a voltage dividing circuit, wherein the voltage dividing circuit accepts a signal-in voltage and provides a signal-out voltage (col. 4 lines 47-64).

Consider claim 3, Adari et al teach wherein the dial tone tester is operable to visually indicate the status of the telephone line (col. 4 lines 47-64).

Consider claim 4, Adari et al teach wherein the visual device indicates an active status of the telephone line (col. 4 lines 47-64).

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Consider claim 7, Adari et al teach wherein the visual device is a light emitting diode (col. 1 line 57-58; col. 4 lines 47-49).

Consider claim 8, Adari et al teach wherein the visual device is a dual light emitting diode (col. 4 line 47-64, noted indicators 221, 222, 223 and 224).

Consider claim 9, Adari et al teach wherein the visual device is a liquid crystal diode (col. 4 lines 47-64).

Consider claim 10, Adari et al teach wherein the dial tone tester comprises an audible device (col. 5 lines 4-15).

Consider claim 11, Adari et al teach wherein the dial tone tester is operable to audibly indicate the status of the telephone line (col. 5 lines 4-15; lines 60-63).

Consider claim 12, Adari et al teach wherein the audible device indicates an active status of the telephone line (col. 5 lines 4-15).

Consider claim 16, Adari et al teach a demarcation device (col. 1 lines 5-15), comprising: an integrated circuit, wherein the integrated circuit accepts upstream (i.e., from CO) voltage and provides downstream (i.e., within CPE) voltage (col. 2 lines 30-41); a connection operable to couple the upstream voltage with a telecommunications network (col. 3 lines 28-30); a connection interface operable to couple the downstream voltage with a customer premises equipment (col. 3 lines 27-28); a first circuit for communicating information between the integrated circuit and the telecommunications network via the upstream voltage; a second circuit for communicating information between the integrated circuit and the customer premises equipment via the downstream voltage (col. 4 lines 19-28); and an integrated dial tone tester (col. 4 lines 29-64).

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Adari et al did not wherein the connection interface operable to couple with a plurality of customer premises equipment. However, Urban et al suggested such (col. 4 line 15 – col. 5 line 15).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Urban et al into view of Adari et al in order to provide a unitary test unit thereby reducing cost as well as spaces in the network interface.

Consider claim 18, Adari et al teach a method for detecting line status within a customer premises, the steps comprising: receiving an inquiry originating from a customer premises (col. 3 lines (col. 6 lines 23); sending a signal to a demarcation device located at the customer premises (col. 6 lines 23-35), wherein the demarcation device is integrated with a dial tone tester (col. 2 lines 30-40); and receiving a response originating from the customer premises, wherein the response indicates a status of the dial tone tester (col. 11 lines 3-13).

Adari et al did not where the demarcation device connected to the connection interface providing for coupling to a plurality of inside wiring. However, Urban et al suggested such (col. 4 line 15 – col. 5 line 15).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Urban et al into view of Adari et al in order to provide a unitary test unit thereby reducing cost as well as spaces in the network interface.

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5. Claims 5-6 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adari et al (5,353,327) in view of Urban et al (6,904,130) and further in view of Applicant admitted prior art.

Consider claim 5, Adari et al suggested a visual display that enable the user to check the line voltage as well as other conditions (col. 4 lines 47-64). Adari et al did not suggest wherein the visual device is activated when a threshold voltage on the telephone line is greater than forty-three volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that such threshold voltage is required for a proper telephone line voltage.

Consider claim 6, Adari et al suggested a visual display that enable the user to check the line voltage as well as other conditions (col. 4 lines 47-64). Adari et al did not suggest wherein the visual device is deactivated when a threshold voltage on the telephone line is less than forty-four volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that any voltage falls below such threshold voltage will indicate line faults or inadequate line voltage.

Consider claim 13, Adari et al did not suggest wherein the audible device is activated when a threshold voltage on the telephone line is greater than forty-three volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that such threshold voltage is required for a proper telephone line voltage.

Consider claim 14, Adari et al did not suggest wherein the audible device is deactivated when a threshold voltage on the telephone line is less than forty-four volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that any voltage falls below such threshold voltage will indicate line faults or inadequate line voltage.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adari et al (5,353,327) in view of Urban et al (6,904,130) and further in view of Dunn (5,696,810).

Consider claim 15, Adari and Urban et al did not suggest wherein the audible device is a piezoelectric buzzer. However, Dunn suggested such (col. 3 lines 24-28). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to substitute any other types of audio devices in place of speaker in order to generate audible signal thereof.

Response to Arguments

7. Applicant's arguments with respect to claims 1-16 and 18 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed 4/22/05 with respect to claim 17 have been fully considered but they are not persuasive.

Regarding applicant argument that the amended limitation "disconnecting inside wiring from the connection interface" emphasizing the self-help nature in which the customer diagnose the telephone service prior to contacting a service technician. Accordingly, the examiner respectfully disagrees with applicant argument. The examiner did not find anything in claim 17 suggesting of the diagnostic being self-help nor diagnosis prior to contacting the technician. Line

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39-40 on column 6 of Adari clearly disclosed of disconnecting the CPE from the line (i.e., any wiring related to the CPE line is disconnected from the line) through actuating switch 271 by a customer. Therefore, Adari et al can still read on applicant limitations as amended.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

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Hand-delivered responses should be brought to:

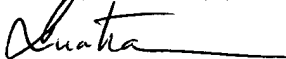
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOCTRAN
PRIMARY EXAMINER



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August 16, 2005